

Waivers	First Name	Last Name	Claim Number
			W-17-0005
Amount	OGC Received Date	Assigned To	Assigned Date
\$88.62	02/22/2017	Stephanie Rich	
EPA Decision	EPA Decision Date	Amount Approved	Status
DENIED	05/11/2017	CLOSED	
Appeal	Comments		
No			
Type			
Religious Compensatory Time			

#### Attachments

Dear [REDACTED]

This email is in response to your "Waiver of Indebtedness Application," dated 02/22/17, wherein you have requested approval of a waiver of debt in the amount of \$88.62. For the reasons set forth below, your request for a waiver is denied.

#### Background

Briefly stated, you were employed by EPA as a summer intern from 06/12/16 through 08/17/16. On 07/08/16 you took 8 hours of religious compensatory time. Religious compensatory time is time that may be approved by a supervisor for religious observance. An employee does not lose pay for these hours if the employee works comparable additional hours. Here, the agency paid you \$88.62 for these 8 hours of religious compensatory time. However, when you resigned on 07/17/16, you had not earned enough hours to cover the compensatory time off. Accordingly, EPA sent you a Bill for Collection on 01/26/17 in the amount of \$88.62.

In response to the Bill for Collection, you timely submitted a "Waiver of Indebtedness Application" on 02/22/17. In your application, you state that your reason for requesting a waiver is that "I was only a [REDACTED] and I was not informed by my supervisor about missing hours. They approved my hours without any word of caution. Interns could not work overtime and had to resign by a certain date, so I could not come in an extra day to offset the hours I missed either."

#### Analysis

Under 5 U.S.C. § 5584, I have the authority to waive collection of erroneous payments or allowances if collection would be against equity and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation, or lack of good faith on the part of the employee. The Comptroller General has held that payments that are proper at the time they were made do not qualify as "erroneous payments" and may not be considered for waiver, even if the employee later becomes liable to refund the amount. B-229337, June 21, 1988, B-208274, August 9, 1982, B-205775, March 9, 1982. Here, your debt was not the result of an "erroneous payment" and thus

cannot be considered for waiver. Under 5 C.F.R. § 550.1002 an agency must grant an employee's request for religious compensatory time unless it would interfere with the agency's mission. If an employee fails to make up the hours, those hours convert to leave without pay and the employee is charged. In your case, EPA properly paid you when you entered 8 hours of religious compensatory time into your timecard. This was a valid payment at the time it was made, even if you were unaware of your obligation to make up the hours.

Because the payment underlying your debt does not qualify as an "erroneous payment" for the purposes of 5 U.S.C. § 5584, I am not authorized to waive your debt. Your waiver is therefore denied.